

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MATTHEW BOROWSKI,
Plaintiff,
v.

CUSTOMS AND BORDER PROTECTION,
Defendant.

23-cv-257

CONSENT MOTION FOR ENLARGEMENT OF TIME TO FILE JOINT STATUS REPORT

PLEASE TAKE NOTICE that Defendant, Customs and Border Protection, by its attorney, Mary K. Roach, Assistant United States Attorney, for Michael DiGiacomo, United States Attorney for the Western District of New York moves this Court for an order extending the date by which the parties may file a Joint Status Report by two weeks, to July 11, 2025. This motion is supported by the accompanying declaration of Mary K. Roach and is made with the consent of Plaintiff, Matthew Borowski.

PLEASE TAKE NOTICE that the motion will be heard at a date, time and location to be set by the Court.

DATED: Buffalo, New York, June 23, 2025

Respectfully Submitted,

MICHAEL DIGIACOMO
United States Attorney

BY: S/MARY K. ROACH
Assistant U.S. Attorney
U.S. Attorney's Office
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
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Plaintiff,

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CUSTOMS AND BORDER PROTECTION,

Defendant.

DECLARATION

MARY K. ROACH, makes this declaration under penalties of perjury, pursuant to 28 U.S.C. Section 1746:

1. I am an attorney duly licensed to practice in the State of New York and before this Court, and I am an Assistant United States Attorney in the Western District of New York.

2. I represent Defendant Customs and Border Protection in this action which arises out of a revocation of Plaintiff's NEXUS membership. Plaintiff has brought claims under the Administrative Procedure Act ("APA") and the Freedom of Information Act ("FOIA").

3. Pursuant to the Court's May 29, 2025 Order, ECF No. 75, the Parties are to make a Joint Status Report regarding proposed next steps in this litigation on or before June 27, 2025.

4. I conferred with my client about this matter earlier this week and I was advised that the attorney who had been handling this case for Customs and Border Protection has left the office. While other attorneys have been assigned to this matter, they are not familiar with this case, and they are handling other matters. They have advised me that they need time to review the APA and FOIA records and understand the remaining issues in the case, so that

they can work with the U.S. Attorney's Office to propose next steps in this litigation.

5. As a matter of professional courtesy, Mr. Borowski kindly agreed to my request that he consent to this request for a two-week extension of time.

Wherefore, it is respectfully requested that this Court issue an order extending the date by which the parties may submit a Joint Submission from June 27, 2025 to July 11, 2025, and for such other and further relief as to the Court seems just and proper.

DATED: Buffalo, New York, June 23, 2025

S/MARY K. ROACH
Assistant U.S. Attorney